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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,121	09/30/2003	F. Randall Murray II	16111RRUS01U (NORT10-0034)	4965
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/675,121	Applicant(s) MURRAY, F. RANDALL	
	Examiner Joiya M. Cloud	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/20/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the communication filed on 10/28/2009. Claims 1-32 are PENDING. Applicant's arguments are moot in view of new ground(s) of rejection, necessitated by Applicant's substantial amendment (i.e. "*generating at the server one or more instant message associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and communicating the one or more SIP instant messages...*" which have affected the scope thereof.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-18, 20-24, and 26-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Dalal et al. (US Publication No. 2003/0014488 A1)**.

As per claim 1, Dalal teaches a method for call conferencing, comprising: controlling a conference call with a server (**paragraph [0022], Service Provider Conference Controller (SPCC) controls a conference call in an IP session**); detecting an event associated with a conference call the conference call associated with a plurality of participants (**paragraph [0092]**,

where the event may be a telephone user hangs up a conference session with other conference participants); and communicating one or more instant messages associated with the detected event from the server to one or more of the participants by communicating the instant message to a network device external to the server **(paragraph [0092], where a NOTIFY-HANG-UP request provides alert instant message to the conference participants).**

As per claim 2, Dalal teaches a method wherein the event comprises a chairperson of the conference call joining the conference call **(paragraph [0062], a Creator (chairperson) joins a created conference call);** and the one or more instant messages identify at least one of a number of participants who have joined the conference call and a name of each participant who has joined the conference call **(paragraph [0065]).**

As per claim 3, Dalal teaches a method wherein the one or more instant messages identify at least one of a number of participants who have joined and exited the conference call and a name of each participant who has joined and exited the conference call **(paragraph [0065] and [0068], a notification of current conference participants of the membership changes (i.e. Leaving a conference) and name of participant).**

As per claim 4, Dalal teaches a method wherein the event comprises one of the participants joining the conference call **(paragraphs [0051] and [0064]);** and the one or more instant messages identify a name of the participant who joined the conference call **(paragraph [0065]).**

As per claim 5, Dalal teaches a method wherein the event comprises one of the participants exiting the conference call; and the one or more instant messages identify a name of the participant who exited the conference call (**paragraph [0078]**).

As per claim 6, Dalal teaches a method wherein the event comprises one of a beginning and an end of the conference call (**paragraph [0035]**); and the one or more instant messages identify that the conference call has one of begun and ended (**paragraphs [0035] and [0069]**).

As per claim 7, Dalal teaches a method wherein the event comprises one of the participants failing to provide a correct pass code when attempting to join the conference call (**paragraph [0036]**); and the one or more instant messages are communicated to a chairperson and identify the participant, an incorrect pass code provided by the participant, and the correct pass code (**paragraph [0036]**).

As per claim 8, Dalal teaches a method wherein the event comprises a chairperson of the conference call exiting the conference call (**paragraph [0062], a Creator (chairperson) joins a created conference call**) and the one or more instant messages indicate that the conference call will end after a specified amount of time (**paragraph [0062]**).

As per claim 9, Dalal teaches a method wherein the event comprises one of the participants transferring the conference call from one communication device to another communication device (**paragraph [0065] and [0092]**); and the one or more instant messages indicate that the participant transferred communication devices (**paragraph [0065] and [0092]**).

As per claim 11, Dalal discloses an apparatus for call conferencing, comprising: one or more ports operable to receive at least one channel of a plurality of channels for a

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communication session (**paragraph [0079]**), the at least one channel having information from at least two of a plurality of conference call participants (**paragraph [0081]**); and one or more processors collectively operable to: detect an event associated with the conference call (**paragraph [0092], where the event may be a telephone user hangs up a conference session with other conference participants**); and communicate one or more instant messages associated with the detected event from one or more processors to one or more of the participants via a network device external to the one or more processors (**paragraph [0092], where a NOTIFY-HANG-UP request provides alert instant message to the conference participants**).

Claim 12 is substantially the same as **claim 2**, but in apparatus form rather than method form and thus rejected using the same rationale.

Claims 13-18 is substantially the same as **claims 4-9**, but in apparatus form rather than method form and thus rejected using the same rationale.

Claims 20-21 are substantially the same as **claims 1-2** and are thus rejected using the same rationale.

Claims 22-24 are substantially the same as **claims 4-6** and are thus rejected using the same rationale.

As per claim 26, Dalal teaches wherein the one or more SIP messages are communicated directly from the server to the one or more participants (**paragraph [0089]**).

As per claim 27, Dalal teaches wherein, before a conference call begins the server is informed of the one or more participants in the conference call, when the conference call starts

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the one or more SIP messages indicating the conference call has begun are communicated to each of the one or more participants **(paragraph [0054])**.

As per claim 28, Dalal teaches wherein the one or more participants has associated therewith a plurality of communication device, and the one or more SIP instant messages are sent to each of a plurality of devices **(paragraph [0081])**.

As per claim 29, Dalal teaches wherein the one or more SIP messages are communicated directly from the apparatus to the one or more participants **(paragraph [0089])**.

As per claim 30, Dalal teaches wherein , before a conference call begins the one or more processors are informed of the one or more participants in the conference call, when the conference call starts the one or more SIP messages indicating the conference call has begun are communicated to each of the one or more participants **(paragraph [0054])**.

As per claim 31, Dalal teaches wherein the one or more SIP messages are communicated directly from the apparatus to the one or more participants **(paragraph [0089])**.

As per claim 32, Dalal teaches wherein the, before a conference call begins the media application server is informed of the one or more participants in the conference call, when the conference call starts the one or more SIP messages indicating the conference call has begun are communicated to each of the one or more participants **(paragraph [0054])**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalal in view of Desai et al. (**U.S. Patent No. 6,618,746 B2, hereinafter Desai**).

As per exemplary claim 10, Dalal discloses the invention substantially as claimed. Dalal teaches the event comprises an end to the conference call (**paragraph [0035] and [0069]**).

However, Dalal does not explicitly teach wherein the one or more SIP instant messages comprise a survey; and further comprising: receiving one or more responses from one or more of the participants containing answers to the survey; tabulating the answers; and communicating one or more SIP messages containing the tabulated answers to a chairperson of the conference call.

Desai teaches a survey and the one or more processors are further collectively operable to receive one or more responses from one or more of the participants containing answers to the survey (**receiving answers to a questionnaire**); tabulate the answers (**retrieving the analysis and performing the statistical analysis**); and communicate one or more instant messages containing the tabulated answers to a chairperson of the conference call (**Abstract, col. 3, lines 43-67**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Dalal's telecommunication's conferencing system to the teachings of Desai, for the purpose of providing a means for feedback from a networked communication session and its participants. Furthermore, enabling a survey allows "gathering of information across a network quickly and efficiently," (Abstract).

Claims 19 and 25 are rejected using the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC***Art Unit 2444****February 25, 2010**

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444